

**PUBLIC MEETING
August 26, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included K. Paul Stahl, Jeff Sealey, Eric Bryson, Kelly Blake, Frank Rives, Dean Retz, Mark Simonich, Jack Walsh, Allison Maier, Don Hulett, Andy Adamek, Dan Chovanak, Robert Hollow, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Dept. of Natural Resources & Conservation HB223 Grant Application by Lewis & Clark Conservation District in the Amount of \$8,264.21 for Lake Helena Experimental Shoreline Erosion Control Project. (Chris Evans)

Eric Bryson reported on the consent agenda and recommended approval.

No public comments were received.

Commissioner Hunthausen moved to approve the consent action item and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Request for Extension of Preliminary Plat Approval for Northstar Development, LLC, Phase 6, and Request for Approval of Amended Subdivision Improvements Agreement for Phase 5. (Applicant: Dan Chovanak) (Planner: Michael McHugh) (tabled from 8/19/10)

Michael McHugh presented the staff report. The Amended Subdivision Improvements Agreement and extension of preliminary approval for Phase VI has been approved by legal staff. The proposal has a 15.36 acre park/school site and an additional 13.2 acres utilized for stormwater detention with a walking path. Turn lane improvements were postponed until a Preliminary Engineering Study was done. A synopsis of the PES indicated that it would cost approximately \$1.3 million per mile to improve North Montana, North Lincoln Road to the terminus of North Montana by Douglas Circle and that there was probably a need not to do the improvements at this time.

Dan Chovanak stated that the renewed letter of credit was bonding for Valley View turn lanes and paving in Phase I. DEQ would not approve Phase VI until the Commission approves the extension on Phase VI.

Commissioner Brown asked to see estimates how the Phase V SIA was tied to the request for extension of Phase VI.

Commissioner Hunthausen moved to table this to September 2 and allow Mr. McHugh to offer extra data, as well as legal staff to do more research if they see fit. Commissioner Brown seconded the motion.

At the suggestion of legal counsel, Mr. Chovanak agreed to combine Phase V and Phase VI Subdivision Improvement Agreement into a single contract.

The motion to table until September 2 regularly scheduled public meeting carried 2-1. Commissioner Murray voted no, we need to deal with the applicant's extension request first so he can get through DEQ's requirements.

Settlement Agreement for Crestwood Green Estates Association, Inc. v. Lewis and Clark County, Cause No. CDV-2005-789. (Deputy County Attorney, K. Paul Stahl) Deputy County Attorney Jeff Sealey reported that the commission needs a vote to ratify the agreement. Commissioner Brown moved to approve the Memorandum of Understanding. Commissioner Hunthausen seconded the motion.

Andy Adamek, Great Northern Town Center, represents Crestwood Greens Association. The general membership of the Association met August 5th and general consensus was in favor of moving forward with this memorandum and agreement. The two primary contingencies were the county road designation and creation of the RID. The county roads petition should be submitted to the county early next week and they were ready to move forward with the RID petition process. The county has plans to review the road network in order to begin assessing cost of the maintenance RID.

Commissioner Brown made Mr. Adamek aware that the recently approved Paradise Subdivision on Norris Road had a provision that they cannot protest an RID if they were included. Crestwood Estates might consider that there are properties outside the boundaries that are still part of the use of that property.

No other comments were received.

The motion carried 3-0.

Final Plat – Amended Plat of Tract 4, Big Bend Minor Subdivision. (Applicants: Donald and Barbara Hulett) (Planner: Frank Rives)

Frank Rives presented the staff report. The applicants received preliminary plat approval in June, subject to 11 conditions. They have worked diligently to get this project completed. The final plat shows a single building envelope in an area where the Commission had approved the location. The applicants have provided all of the necessary documentation to move to final plat.

Commissioner Hunthausen moved to approve the final plat and authorized the Chair to sign any necessary documents. Commissioner Brown seconded the motion and commented that this was an extremely overly restrictive subdivision for a simple change

in access to the road and developability of the site.

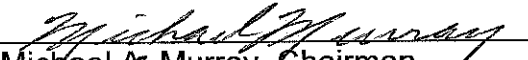
No public comments were received.

The motion carried 3-0.

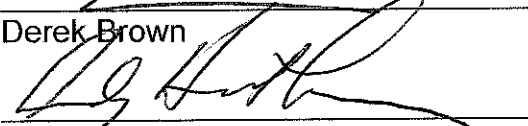
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. Commissioner Murray acknowledged that Mr. Robert Hollow, a candidate for County Commission, was present in the Chambers today.

There was no other business, the meeting adjourned at 9:55 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board